IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 21ST FEBRUARY 2007 / 2ND PHALGUNA 1928

WP(C).No. 20685 of 2004(K)

PETITIONER:

T.R.BALAKRISHNAN, S/O. RAMAN,
THUMBAYIL HOUSE, ARAKUZHA, MOOVATTUPUZHA,
ERNAKULAM DISTRICT.

BY ADV. SRI.P.V.BABY.

RESPONDENTS:
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1. **THE ERNAKULAM DISTRICT CO-OPERATIVE BANK LTD., ERNAKULAM, REPRESENTED BY ITS GENERAL MANAGER.**

2. **THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL), ERNAKULAM.**

BY ADV. SRI.P.V.SURENDRANATH,
GOVERNMENT PLEADER SMT. DEEPA.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 21/02/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.20685/2004:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE RECEIPTS DTD. 22/09/2003 FOR S. 3,70,000/- AND RS. 2,500/- RESPECTIVELY ISSUED BY THE R.1.

EXT.P.2: COPY OF THE STATEMENT OF ACCOUNTS ISSUED BY THE 1ST RESPONDENT TO THE PETITIONER.

EXT.P.3: COPY OF THE CIRCULAR NO. 35/2003 DTD. 01/07/2003 ISSUED BY THE REGISTRAR OF CO-OPERATIVE SOCIETIES.

EXT.P.4: COPY OF THE PETITION SUBMITTED BY THE PETITIONER BEFORE THE PRESIDENT OF 1ST RESPONDENT DTD. 22/09/2003.

EXT.P.5: COPY OF THE REPRESENTATION DTD. 413/01/2004 SUBMITED BY THE PETITIONER BEFORE THE R.2.

EXT.P.6: COPY OF THE ORDER DTD. 29/04/04 OF THE R.2.

RESPONDENT'S EXHIBIT:

EXT.R1.A: COPY OF THE REVISED GUIDELINES FOR ONE TIME SETTLMENT IS APPLICABLE TO THE DIST. CO-OP. BANK ISSUED BY THE NABARD.

//TRUE COPY//

prv.

KURIAN JOSEPH, J.

W.P(C)No.20685 of 2004

Dated this the 21st day of February, 2007

JUDGMENT

Petitioner is aggrieved since he is not extended the benefit of one time settlement scheme applicable to the District Co-operative Banks. It is seen from the counter affidavit filed by the Bank that the petitioner's account became overdue only on 1-8-2001 and it became NPA only on 1-2-2002 and subsequently became doubtful assets only after 1-2-2005. It is in such circumstances it is held that the petitioner is not entitled to the benefits of the one time settlement scheme. It is the contention of the petitioner that the requirement under Circular No.35/2003 is only that the loanee should be a defaulter as on 31-3-2001 and the account need not be overdue as on 31-3-2001. But it is seen from Ext.R1(a) circular issued by the NABARD that the petitioner is not entitled to the one time settlement scheme since the account does not satisfy the criteria laid down in the circular. In case the petitioner has any

dispute on the factual position it is for him to take recourse to his remedy of adjudication as provided under the Kerala Co-operative Societies Act, 1969.

Without prejudice to such liberty this writ petition is dismissed.

(KURIAN JOSEPH, JUDGE)

ahg.